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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,564	06/13/2007	Seung-Hoon Lee	BGG0004US	7176

23413 7590 06/01/2010
CANTOR COLBURN, LLP
20 Church Street
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Hartford, CT 06103

EXAMINER

MINSEY, JACOB T

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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06/01/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/587,564	Applicant(s) LEE ET AL.	
	Examiner JACOB T. MINSKEY	Art Unit 1791	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1,2,4-21 and 23-26.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Steven P. Griffin/
 Supervisory Patent Examiner, Art Unit 1791

Continuation of 3. NOTE: Claim 1 includes limitations from previous claim 14, which have not been considered in combination with claims 2 and 4-13 and 15-18. This new combination of limitations creates a change in scope that will need further consideration before a determination on patentability can be made. Likewise, claim 19 has been drastically rewritten to include new limitations that was not previously searched or considered. A new consideration of the art will be required to examine composition claims with provides limitations on the chelating agents included.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has amended both independent claims in the application. The amendments to both sets of claims directly overcome the anticipation rejection as presented in the previous office action and as stated in the current set of Remarks. In this regards the previously presented rejections would be overcome by the current amendment. The Examiner is not convinced on the patentability of the claims based on the arguments focused on the amendments, and would require further search and consideration based on the new combination of limitations that are newly presented in the amended claims.

The main argument is based on the claimed range of chelating agent added to the process, as the limitation that is newly added to claim 1. The primary reference of Yamaguchi teaches the addition of the claimed chelating agent, but not on the use within the claimed range (as previously discussed in prior actions). It has been held that optimizing the range of a material is within the ability of one of ordinary skill in the art with the general conditions of a claim is disclosed by the prior art. The argument regarding example 2 of Maeda is based that the main polymer is not the same as the instant application. The Examiner does not find this argument persuasive because Maeda is utilized as a teaching reference that it is known to use chelating agents in such an amount. One of ordinary skill would have been able to utilize the teaching and adapt it to fit polymer of choice, which is taught in the Yamaguchi reference. It is the combination of teachings, and not just specific examples, which renders the claim obvious.

The remaining arguments are focused on the new combination of references or details in regards to the argument discussed above. While the proposed amendments would overcome the previously presented rejections, the combination of limitations will require a new search and consideration by the Examiner.